

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Darla Padgett, et al.,

NO. C 04-03946 JW

Plaintiffs,

v.

Brian Loventhal, et al.,

Defendants.

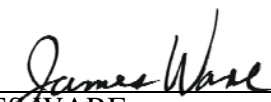
**ORDER FOLLOWING TELEPHONIC
CONFERENCE; ORDER RE: MOTIONS
IN LIMINE AND OTHER MOTIONS
REQUIRING RULING PRIOR TO THE
NEW FINAL PRETRIAL CONFERENCE**

The Court conducted a telephonic conference on September 6, 2007. The Court vacated the trial presently set for September and set new trial dates. (See Minutes Order, Docket Item No. 415.) In light of the Court's discussion with the parties, the Court ORDERS as follows:

- A. Counsel for Defendants shall receive service of Summons for all current City of Monte Sereno employees.
- B. At the conference, the parties informed the Court that there are some motions in limine they wish to have the Court addressed prior to the January 7, 2008 Final Pretrial Conference. For the purposes of organization, the Court separates the motions into two different Rounds and orders the parties to organize those motions as follows:
 - (1) Each side shall be responsible for producing a combined folder with all of the in limine motions, oppositions, and replies, respectively. The motion papers shall be clearly marked and separated in one single binder. The binder shall contain a table of contents, listing each motion with a short sentence regarding the grounds for in limine and a short sentence regarding the opposition; all must be supported by proper citations to the motions. The table of contents shall also be saved on a 3½ floppy disk to be attached inside the binder.

- 1 (2) Defendants are responsible for Round 1 of the motions and Plaintiffs are
2 responsible for Round 2. In Round 1, the Court will address any motions or
3 issues the parties would wish to have resolved prior to the conference.
4 However, the Court will only entertain motions involving evidence to be
5 presented at trial and not discovery related motions; the Special Master is still
6 charged with resolving discovery and related disputes. Please note that this
7 binder is not a substitute for filing the motions and related papers via ECF; it
8 is designed for the Court to evaluate the motions.
- 9 (3) The Round 1 binder shall be delivered to the Court (by way of the Clerk's
10 Office) no later than **Wednesday, September 26, 2007 by 3 PM.**
- 11 (4) The Round 2 binder shall be delivered to the Court (by way of the Clerk's
12 Office) no later than **Wednesday, January 2, 2008 by 3 PM.**

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Dated: September 6, 2007



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Darla Kaye Padgett Actiontkr@aol.com
3 Joseph C. Howard jhoward@hrmlaw.com
4 Todd H. Master tmaster@hrmlaw.com

5 **Dated: September 6, 2007**

Richard W. Wiekling, Clerk

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7 **By: /s/ JW Chambers**
8 **Elizabeth Garcia**
9 **Courtroom Deputy**
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